



Promoting the wise use of land

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

MEETING DATE August 7, 2015	CONTACT/PHONE Airlin M. Singewald, Project Manager (805) 781-5198 asingewald@co.slo.ca.us	APPLICANT Charles Doster	FILE NO. DRC2014-00040
LOCAL EFFECTIVE DATE August 21, 2015	APPROX FINAL EFFECTIVE DATE September 11, 2015		
SUBJECT Hearing to consider a request by CHARLES DOSTER for a Minor Use Permit/Coastal Development Permit (DRC2014-00040) to permit two existing greenhouses of 384 and 120 square feet in size. The existing "as built" greenhouses resulted in approximately 500 square feet of disturbance on a 6,250 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1152 Tenth Street, approximately 300 feet north of Santa Ysabel Avenue, in the community of Los Osos. The site is located in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2014-00040 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 categorical exemption was issued on July 10, 2015 (ED14-010).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Plan, Archeologically Sensitive Area, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 038-061-037	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Bay Front Development – Height Limitation; El Moro Area Lot Coverage <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Coastal Commission Appealable Zone; Local Coastal Program; Archaeologically Sensitive Area; Setbacks; Residential Accessory Structures – Greenhouses; Noise Limits <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Single family residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/ residences <i>South:</i> Residential Single Family/ vacant parcel <i>East:</i> Residential Single Family/ residences <i>West:</i> Residential Single Family/residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cal Fire, California Coastal Commission, and the Los Osos Community Advisory Council	
TOPOGRAPHY: Nearly level	VEGETATION: Ornamentals
PROPOSED SERVICES: Water supply: Los Osos Community Services District Sewage Disposal: Los Osos Community Services District Fire Protection: Cal Fire	ACCEPTANCE DATE: May 22, 2015

DISCUSSION

The proposed project is a request by Charles Doster for a Minor Use Permit/Coastal Development Permit to permit two existing greenhouses of 384 and 120 square feet in size. The existing “as built” greenhouses resulted in approximately 500 square feet of disturbance on a 6,250 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1152 Tenth Street, approximately 300 feet north of Santa Ysabel Avenue, in the community of Los Osos. The site is located in the Estero planning area.

PLANNING AREA STANDARDS

As described below, the project complies with applicable planning area standards in the Estero Area Plan.

Bay Front Development – Height Limitation

The proposed project is subject to a 16-foot height limitation. The project complies with this standard because the two greenhouses measure 8’-4” and 9’-4” in height.

El Moro Area – Lot Coverage

Maximum lot coverage permitted in the El Moro Area is as follows: 60 percent on a single 25 foot lot and 40 percent on lots of 6,000 square feet or greater. This excludes patios, driveways, walks, etc. The proposed project complies with this standard as it would result in total lot coverage of 36 percent (2,256 square feet of structure footprint / 6,250 square foot lot). This is based on a 1,700 square-foot footprint for the existing single family residence, an existing 100 square-foot garden shed, and the two “as built” greenhouses which total 456 square feet in size.

Section 23.01.043c.(3)(i): Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the subject parcel is located between the ocean and the first public road paralleling the ocean.

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.07.104 – Archaeologically Sensitive Areas

This section requires development applications within the Archaeologically Sensitive combining designation area to include a preliminary archaeological site survey. The proposed project complies with this standard because the “as built” greenhouses are located in an already disturbed / landscaped patio area behind an existing residence and the greenhouses have an earthen floor, with no permanent foundation.

Section 23.04.100 – Setbacks

The required setbacks are as follows: front – 25 feet; sides – 5 feet; rear – 3 feet for accessory structures less than 12 feet in height, provided they are not used for human habitation. The proposed complies with these setbacks. The “as built” greenhouses are located in the rear yard of the existing residence and are setback a minimum of 5 feet from the side property line and 3 feet from the rear property line.

Section 23.06.040 – Noise Standards

This section establishes maximum noise standards of 45 dB for nighttime hours (10 p.m. to 7 a.m.) and 50 dB for daytime hours (7 a.m. to 10 p.m.). The greenhouses contain cooling fans. To address concerns that these fans could potentially generate noise levels in excess of County standards, the applicant submitted a noise study (Dubbink Associates; April 30, 2015). The noise study measured the noise levels generated by the fans and concluded that the project would comply with the applicable noise thresholds.

Section 23.08.032(d) – Residential Accessory Uses, Greenhouses

This section limits the size of greenhouses to 10 percent of the site, when they are accessory to a residence. The proposed project is consistent with this standard because the greenhouses total 456 square feet, which is 7 percent of the site area (456 square feet of greenhouses / 6,250 square foot parcel).

COASTAL PLAN POLICIES

Following is a list of the Coastal Plan Policies (discussion of specific applicable policies following):

Shoreline Access:	N/A
Recreation and Visitor Serving:	N/A

Energy and Industrial Development:	N/A
Commercial Fishing, Recreational Boating and Port Facilities:	N/A
Environmentally Sensitive Habitats:	N/A
Agriculture:	N/A
Public Works: <input checked="" type="checkbox"/>	Policy No(s): 1
Coastal Watersheds: <input checked="" type="checkbox"/>	Policy No(s): 7 through 10
Visual and Scenic Resources: <input checked="" type="checkbox"/>	Policy No(s): 1, 2, and 7
Hazards:	N/A
Archaeology: <input checked="" type="checkbox"/>	Policy No(s): 4
Air Quality:	N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

COASTAL PLAN POLICY DISCUSSION

Public Works:

Policy 1: Availability of Service Capacity. New Development shall demonstrate that adequate public or private service capacities are available to serve the proposed development. The project is consistent with this policy because the existing residence is already served by a community water system.

Coastal Watersheds

Policy 7: Siting of New Development. The project is consistent with this policy because the residential accessory structures are located on a parcel with slopes of less than 20 percent.

Policy 8: Timing of Construction and Grading. The proposed project is conditioned to comply with this policy as the greenhouse buildings did not involve grading.

Policy 9: Techniques for Minimizing Sedimentation. The proposed project is conditioned to comply with this policy as the applicant shall apply Best Management Practices in the selection and implementation of site maintenance.

Policy 10: Drainage Provisions. The proposed project is conditioned to comply with this policy as the applicant shall provide a drainage plan to the San Luis Obispo County Department of Public Works for review and approval, and shall implement the approved drainage plan, showing that the greenhouses will not increase erosion or runoff.

Visual and Scenic Resources

Policy 1: Protection of Visual and Scenic Resources. The proposed project complies with this policy, as the project will be developed in the rear yard of an existing residential lot and will not be visible from a public road.

Policy 2: Site Selection for New Development. The proposed project is consistent with this standard, as the proposed addition will be developed on an existing residential lot, and the development will not block existing public views.

Policy 7: Preservation of Trees and Native Vegetation. The proposed project is consistent with this policy because it would not remove or adversely impact trees or native vegetation.

Archeology

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas. *The proposed project is consistent with this policy because the "as built" greenhouses are located in an already disturbed / landscaped patio area behind an existing residence and the greenhouses have an earthen floor, with no permanent foundation.*

COMMUNITY ADVISORY GROUP COMMENTS

The Los Osos Community Advisory Council (LOCAC) reviewed the proposed minor use permit and recommended approval on December 18, 2014.

AGENCY REVIEW

Public Works Tim Tomlinson	Road improvement fees, drainage plan, and stormwater control plan application are all required. See attached response.
Building Division	Project to comply with applicable building code and storm water regulations
Cal Fire Clint Bullard	No concerns
California Coastal Commission	No response

LEGAL LOT STATUS

The two parcels were legally created by a subdivision at a time when that was a legal method for creating parcels.

Staff report prepared by Airlin Singewald and reviewed by Karen Nall.